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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

SUMMARY RECORD OF THE 1466th MEETING

Held at Headquarters, New York,
on Thursday, 16 January 1997, at 10 a.m.

Temporary Chairman: Mr. GOULDING
(Under-Secretary-General for
Political Affairs)

Chairman: Mr. SAMANA (Papua New Guinea)

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The meeting was called to order at 10.30 a.m.

OPENING OF THE SESSION BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL

1. The TEMPORARY CHAIRMAN, speaking on behalf of the Secretary-General, said that General Assembly resolutions 1514 (XV) and 1541 (XV) had helped to elaborate an important principle of international law concerning the inalienable right of peoples to self-determination. In more than 36 years of hard and dedicated work aimed at eradicating colonialism by the year 2000, the Special Committee had contributed to the attainment by many peoples of their right to self-determination and independence, which included the right of peoples to determine their political future through democratic means. It had thus enhanced the endeavours of the United Nations to ensure respect for human rights all over the world.

2. The remaining 17 Non-Self-Governing Territories on the Special Committee's agenda represented different cases. Some had advanced economically and socially and were enjoying constitutional rights; others suffered from lack of development, geographical isolation and natural disasters.

3. The efforts of the administering Powers to fulfil their obligations towards those Territories under the Charter were recognized and appreciated, but the United Nations also had the responsibility of ensuring their right to self-determination. That did not mean that the United Nations tried to impose a particular choice on them or to undermine the efforts of the administering Powers. On the contrary, the Special Committee's responsibility under resolutions 1514 (XV) and 1541 (XV) was to assist both the peoples of the Territories and the administering Powers. The right to self-determination gave the peoples the freedom to choose to be independent, to be associated with another State or to integrate with another State. While it was not a matter of imposing any particular formula, the peoples, particularly those in the remaining Non-Self-Governing Territories, should be assisted to determine what was best for their future.

4. The Secretary-General hoped that the consultations between the administering Powers and the Special Committee would lead to a better understanding among the participants, since cooperation between them was important to achieving the Organization's goals in that area. He urged the specialized agencies and other organizations of the United Nations system to increase their assistance to the peoples of those Territories; there was a particular need to increase support for the United Nations Mission for the Referendum in Western Sahara (MINURSO) in the execution of its mandate with regard to the holding of a free and fair referendum in Western Sahara, the largest Territory that remained on the Special Committee's agenda.

ELECTION OF OFFICERS

5. Mr. Samana (Papua New Guinea) was elected Chairman, Mr. Rodríguez Parrilla (Cuba) and Mr. Ouane (Mali) were elected Vice-Chairmen and Mr. Al-Attar (Syrian Arab Republic) was elected Rapporteur by acclamation.

6. Mr. Samana (Papua New Guinea) took the Chair.

7. The CHAIRMAN said that the Special Committee would spare no efforts to achieve, in cooperation with the administering Powers, the United Nations goal of eradicating colonialism by the year 2000. The Special Committee should bear in mind that resolutions 1514 (XV) and 1541 (XV) provided the framework for its work and affirmed the responsibility of the United Nations for all Territories regardless of their size, geographical location or economic advancement. The fulfilment of the Special Committee's objectives depended to a great extent on the cooperation of the administering Powers. Unfortunately, it had not been possible to secure the full cooperation of those Powers in recent years. At the fifty-first session of the General Assembly, the Fourth Committee had deferred the adoption of the resolutions on that particular question on the understanding that the Member States would like to see a cooperative relationship between the Special Committee and the administering Powers. The Special Committee had always called on the administering Powers to cooperate, to implement their obligations under the Charter of the United Nations and to respond positively to the General Assembly's numerous resolutions on decolonization.

8. The Committee would hold informal consultations with the administering Powers in good faith and would be guided, in so doing, by the wishes of the peoples of the Territories. It hoped that an understanding would be reached not only with regard to the resolutions pending before the General Assembly, but also with regard to cooperation between the administering Powers and the Special Committee. In that connection, he welcomed the presence of the New Zealand delegation in the Committee, noting that it was of crucial importance to expediting the decolonization process.

9. Even if many of the remaining Non-Self-Governing Territories were small islands, and suffered from a lack of resources or from natural disasters, that should not preclude the Special Committee from considering their political situations and socio-economic progress. While self-determination did not preclude a decision of the colonial peoples to maintain present relationships with any administering Power or integrate with it, or to associate with another State, it also included the right of the people concerned to choose independence. Therefore, the Special Committee's aim was not to choose the political future of the peoples of the Territories, but to assist them to do so in accordance with their own wishes. The Committee's task, with the cooperation of the administering Powers, was to help the colonial peoples to fulfil their right to self-determination and independence. Recent developments had demonstrated that a free and fair electoral process was one of the pillars of democracy and the same should be applied to the Non-Self-Governing Territories in accordance with the customary rules and legal norms of the international community. It was hoped that the success of the United Nations in providing assistance to Member States to conduct their national elections would convince the administering Powers to invite the Special Committee to be involved in the electoral process in the Territories, in fulfilment of the mandate entrusted to the Special Committee under General Assembly resolutions 1514 (XV) and 1541 (XV), as well as the responsibilities assumed by the administering Powers under the Charter of the United Nations.

10. The Special Committee urged the administering Powers to provide information on those Territories under their administration in a timely fashion, answer its queries in that regard, maintain regular contacts with the Committee, and accept visiting missions in order to get first-hand information and evaluate the

situation in the Territories. For its part, the Special Committee would continue to hear petitions, disseminate information and submit recommendations to the General Assembly and the Security Council on decolonization.

11. Finally, referring to the current financial situation of the United Nations, he said that the Special Committee would do its utmost to achieve economy in its activity without detriment to the interests of the peoples of the Territories. In that regard, members should be punctual at meetings in order to avoid the need for late meetings. At the same time, the Committee would hold as many informal consultations as possible in order to reduce the number of regular meetings.

12. Mr. SAMADI (Islamic Republic of Iran) said that a new phase had begun in the work of the Special Committee, since informal negotiations with respect to the remaining Non-Self-Governing Territories would be started with the administering Powers. He looked forward to the outcome of those negotiations, hoped that the Special Committee's work would benefit from the application of the proposed new method and reiterated his delegation's willingness to cooperate fully in that regard.

13. Mr. DOUDECH (Tunisia) said that the decolonization process was at a crucial stage and that, in view of the good will demonstrated by the administering Powers, the members of the Special Committee wished to see the establishment of a constructive dialogue to promote that process. He supported the underlying principles of decolonization. To that end, the interests of the people of the small Territories were paramount and his delegation would cooperate fully with the Committee in its work.

14. Mr. OUANE (Mali) said that, in accordance with its full commitment to the principle of decolonization, Mali would cooperate fully with the Committee in its work.

15. Mr. AL-ATTAR (Syrian Arab Republic) said that, since the Special Committee was at a crossroads, it was necessary to promote its work and to carry the decolonization process through to a successful conclusion.

16. Mr. TAPIA (Chile) hoped that the Committee would carry out its activities in a most transparent manner, in good faith and in a constructive spirit. The informal consultations to be held with the administering Powers would mark the beginning of a long-term process for the benefit of the peoples who were yet to exercise their right to self-determination. Dialogue was the only viable path to decolonization, which he hoped would be achieved before the end of the century.

17. He welcomed New Zealand's attitude vis-à-vis the Committee. It demonstrated that, through dialogue and the cooperation of the administering Powers, progress could be made towards decolonization; he reaffirmed his support for the Committee's work.

18. Mr. OVIA (Papua New Guinea) said that his delegation would cooperate with the Special Committee in carrying out its mandate and looked forward to the informal consultations to be held with the administering Powers.

19. Ms. CHEN Qunghon (China) said that, since the decolonization process was at a critically important stage, it was essential for the Special Committee to intensify its work and for the administering Powers to cooperate towards the eradication, once and for all, of colonialism.

20. Mr. TANOH-BOUTCHOUE (Côte d'Ivoire), welcoming the fact that the administering Powers were prepared to cooperate with the Special Committee in order to end the decolonization process in the remaining Territories, said that his delegation would cooperate with the Committee in its work during the present session.

21. Mr. RABUKA (Fiji), said that his country was committed to the issues defended by the Committee and that the Committee could count on his delegation's fullest cooperation.

ORGANIZATION OF WORK

22. The CHAIRMAN drew the Committee's attention to notes by the Secretary-General (A/AC.109/L.1855) and by the Chairman (A/AC.109/L.1856) on the organization of work.

23. Mr. NATALEGAWA (Indonesia) said that he was opposed to the inclusion once again of the so-called question of East Timor in the Special Committee's programme of work. As his delegation had reiterated in previous years, the people of East Timor had exercised their right to self-determination more than 20 years ago in accordance with General Assembly resolutions 1514 (XV), 1541 (XV) and 2625 (XXV), thus terminating over four centuries of colonial rule. That process had been witnessed by scores of foreign diplomats and international media representatives. It had also been a matter of record that, during the decolonization process, the United Nations and the Special Committee had been kept informed of the situation in East Timor. Moreover, an increasing number of Member States and the international community at large recognized that Indonesia had been contributing towards the accelerated development of East Timor - its twenty-seventh province - in the political, economic and social spheres, as well as towards the protection and promotion of human rights. Therefore, in his delegation's view, East Timor had long ceased to be an issue of self-determination or decolonization.

24. It was high time that the Committee decided that the inclusion of East Timor in its programme of work could serve no useful purpose whatsoever and was contrary to the will of the people of East Timor; that had been reaffirmed in every subsequent Indonesian general election, most recently in 1992. Therefore, his delegation requested the Committee to assess objectively the historical process and the geo-political, cultural, economic and social realities of East Timor, the majority of whose population had exercised its right to self-determination by choosing independence through integration with Indonesia. Furthermore, the consideration of that item did not contribute anything of significance to the ongoing tripartite dialogue between Indonesia and Portugal held under the auspices of the Secretary-General. It could even undermine the Secretary-General's efforts to seek a just, comprehensive and internationally acceptable solution to the question of East Timor. He requested delegations to support the tripartite dialogue as a viable mechanism leading to positive results.

25. Mr. GAMITO (Portugal) noted the outstanding work carried out by the Committee for more than three decades and renewed his Government's pledge to continue cooperating with the Committee in accordance with the Charter and with the relevant resolutions of the General Assembly and of the Security Council. In particular, the Committee was requested by General Assembly resolution 37/30 to consider the question of East Timor and to try to resolve it.

26. East Timor was a Non-Self-Governing Territory as established by the General Assembly in resolution 1542 (XV) of 15 December 1960 and by virtue of that status the question of East Timor had always been on the agenda of the Committee, which had considered the issue every year. The Committee's latest decision on East Timor had been to inscribe the question on the agenda for 1997, subject to any resolutions or recommendations that the General Assembly might decide to adopt on the matter. However, the General Assembly had not taken any decision that would lead the Committee not to inscribe the question on the agenda or to refrain from debating it as it had always done. The postponement of the debate on the question of East Timor at past sessions of the General Assembly had never led to the removal of the item from the Committee's agenda or to the limiting of its competence in that regard. Furthermore, the discussion of the question was aimed at the preparation of a report to be submitted to the fifty-second session of the General Assembly, the provisional agenda of which included the question of East Timor.

27. Every year, the Secretary-General requested the Portuguese Government to provide information in accordance with Article 73 (e) of the Charter. His Government had always complied with that request, which confirmed its status as the administering Power of the Territory even though it was being impeded from effectively exercising its administration.

28. At a time when talks were proceeding on the question under the auspices of the Secretary-General, any alteration of the framework within which the question had been considered at the United Nations would introduce an unwanted element of disturbance which would interfere not only with the exercise of the mandate entrusted to the Secretary-General but also with the mandate entrusted to the Special Committee.

29. Mr. SAMADI (Islamic Republic of Iran) said that it was suggested in paragraph 4 of document A/AC.109/L.1856 that the Subcommittee on Small Territories, Petitions, Information and Assistance should be integrated with the Special Committee and recalled that it had been decided in the previous year to defer any action in that regard until the 1997 session. His delegation supported the proposal provided that its adoption did not weaken the work of the Subcommittee or its mandate, especially since the Subcommittee itself was the result of the merger of two other committees.

30. The CHAIRMAN said that the proposal of the delegation of Papua New Guinea to integrate the Subcommittee with the Special Committee was intended to save resources, time and effort, since the members of the Subcommittee were also members of the Special Committee. In any case, he agreed that such integration should not adversely affect the resources of either the Subcommittee or Special Committee.

31. Mr. RIVERO ROSARIO (Cuba) said that he had no objections to the proposal to integrate the Subcommittee with the Special Committee, and endorsed the comments of previous speakers in that regard.

32. With respect to the allocation of items and procedure for consideration, he noted that the holding of seminars, especially in Latin America, had not been included in the annex on pending matters for consideration by the Special Committee during 1997 and wondered whether that issue was included in any of the agenda items.

33. Moreover, in 1996 the Office of Internal Oversight Services had submitted a report on a regional seminar held in Trinidad and Tobago in 1995 (A/51/486); parts of that report concerning the Special Committee's work had been quite offensive and had contained elements which were unacceptable to Member States. The Committee had not formulated its comments on that document; since the reports of monitoring and internal oversight bodies were to be considered by intergovernmental bodies such as the Special Committee, his delegation wished to propose that the issue should be put on the Committee's agenda for 1997.

34. Mr. NATALEGAWA (Indonesia), speaking in exercise of the right of reply, said that the representative of Portugal was trying to deceive the Special Committee by repeating statements made in previous years. Indonesia had always rejected all the General Assembly resolutions on East Timor, including resolution 37/30, and wished to reiterate its objection to the consideration by the Special Committee of the question.

35. Mr. GAMITO (Portugal), speaking in exercise of the right of reply, said that the decolonization process of East Timor had not been completed and that a Member State was illegally occupying that Territory in violation of the relevant General Assembly and Security Council resolutions. The present situation was abusive. It violated the fundamental rights of the inhabitants of the Territory and could not be invoked either to justify the abandonment of the question by the Special Committee or its failure to carry out its mandate.

36. Despite the existing obstacles, Portugal believed that the dialogue initiated under the Secretary-General's auspices must continue and that it was worth trying to overcome the present difficulties. Portugal was endeavouring to make a constructive contribution to that dialogue. Portuguese policy towards East Timor was guided by the permanent objective of concluding the decolonization process of that Non-Self-Governing Territory on the basis of the United Nations doctrine of self-determination, respect for human rights and democracy.

37. The CHAIRMAN said that the Special Committee would consider the report of the Office of Internal Oversight Services to which reference had been made and that the question of the holding of regional seminars was part of its ongoing work. He took it that the Committee wished to adopt the organization of work in 1997 (A/AC.109/L.1856), taking into account the comments made.

38. It was so decided.

39. The CHAIRMAN requested members of the Committee to do their utmost to reduce documentation requirements. Meetings would start promptly as scheduled,

and members were urged to cooperate in order to make optimum use of conference services. Referring to cooperation with intergovernmental organizations, he took it that the Special Committee agreed that consultations could be held, as appropriate, with respect to participation in the meetings to which the Committee was invited.

40. It was so decided.

The meeting rose at 11.40 a.m.